

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

FREDERICK WILLIAMS,

Petitioner,

v.

JAN TROMBLEY,

Respondent,

_____/

Civil No. 05-CV-71580-DT

HONORABLE VICTORIA A. ROBERTS

UNITED STATES DISTRICT JUDGE

**OPINION AND ORDER DENYING THE MOTION TO WAIVE FEES AND
COSTS FOR TRANSCRIPTS.**

On January 4, 2006, this Court issued an opinion and order holding the petition for writ of habeas corpus in abeyance and administratively closing the case. Petitioner has now filed a motion to waive fees and costs for transcripts. For the reasons stated below, the motion is DENIED.

In his motion, Petitioner asks this Court to provide him with free copies of the transcripts and other documents from his state court trial because he claims that he needs them to prepare a post-conviction motion for relief from judgment which he seeks to file in the state courts.

The Court will deny the motion to waive fees and costs for transcripts. First, as a general rule, a criminal defendant has no federal constitutional right to a transcript to prepare a post-conviction proceeding. *Rickard v. Burton*, 2 Fed. Appx. 469, 470 (6th Cir. 2001)(citing to *Ruark v. Gunter*, 958 F. 2d 318, 319 (10th Cir. 1992); *United States v.*

MacCollom, 426 U.S. 317, 325-26 (1976)). Secondly, because Petitioner's appellate counsel had access to the trial transcripts in Petitioner's appeal of right, Petitioner is not entitled to the production of the trial transcripts to assist him with the preparation of his post-conviction motion. *See e.g. Smith v. United States*, 421 F. 2d 1300, 1301 (6th Cir. 1970). Third, a prisoner is not entitled to the preparation of a free transcript merely for the purpose of searching it for grounds for a possible application for post-conviction or habeas corpus relief. *See Lucas v. United States*, 423 F. 2d 683, 684-85 (6th Cir. 1970); *Watts v. State of Tenn.*, 603 F. Supp. 494, 495 (M.D. Tenn. 1984). In particular, Petitioner is not entitled to a free transcript of his trial, because he has failed to point to any specific need for the transcripts to prepare his post-conviction motion. *See Route v. Blackburn*, 498 F. Supp. 875, 877 (M.D. La. 1980). In light of the conclusory nature of petitioner's motion for the production of these documents and transcripts from his state criminal case, the motion for production of these transcripts and documents is denied. *See Cassidy v. United States*, 304 F. Supp. 864, 867 (E.D Mo. 1969).

ORDER

Based on the foregoing, the motion to waive fees and costs for transcripts [Court Dkt. Entries ## 30 and 31] is DENIED.

S/Victoria A. Roberts

Victoria A. Roberts

United States District Judge

Dated: October 25, 2007

The undersigned certifies that a copy of this document was served on the attorneys of record and pro se Petitioner by electronic means or U.S. Mail on October 25, 2007.

s/Carol A. Pinegar
Deputy Clerk